

Assembly Bill No. 2018

Passed the Assembly August 27, 2010

Chief Clerk of the Assembly

Passed the Senate August 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 11053.2 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2018, Skinner. Food stamps: intercounty transfer of benefits.

Existing law provides for the federal Supplemental Nutritional Assistance Program (SNAP), formerly the Food Stamp Program, under which food stamps are allocated to the state by the federal government and are distributed to eligible households by each county.

Existing law provides for the intercounty transfer (ICT) of benefits for recipients of CalWORKs, In-Home Supportive Services (IHSS), or Medi-Cal benefits that move from one county to another within the state, as prescribed.

This bill would require the State Department of Social Services to establish a process of intercounty transfer of eligibility for benefits under SNAP when a recipient moves from one county to another within the state. This bill would specify, commencing no later than April 1, 2011, that for recipients of SNAP benefits who are also recipients of CalWORKs benefits, the ICT process utilized for CalWORKs shall be used. This bill would further specify, commencing no later than April 1, 2011, that for recipients of SNAP benefits who are also recipients of Medi-Cal benefits, but not recipients of CalWORKs, the ICT process utilized for Medi-Cal shall be used.

This bill would require, commencing no later than July 1, 2011, that for recipients of SNAP benefits who are neither recipients of CalWORKs nor Medi-Cal benefits, an intercounty transfer process be developed, as specified. This bill would specify that upon implementation of the intercounty transfer procedures set forth in the bill, it is the responsibility of the recipient changing residence from one county to another within the state to notify the county currently paying food stamp benefits of the move. This bill would require the recipient's prior county of residence to notify the new county of residence of the recipient's move as soon as the recipient's location in the new county is known. It would require

the new county of residence to be responsible for determining the recipient's continued eligibility for benefits under SNAP, but that, to the extent permitted by federal law, the new county of residence would not be required to interview persons in the food stamp household to determine continued eligibility, until the next scheduled recertification or other regularly scheduled interview.

This bill would require the department to adopt regulations to implement the bill no later than July 1, 2012, as specified.

To the extent that this would increase the duties of county officials who administer public aid programs, including the Medi-Cal program, CalWORKs, and the federal SNAP program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 11053.2 is added to the Welfare and Institutions Code, to read:

11053.2. (a) Notwithstanding any other law, the department shall establish a process of intercounty transfer of eligibility for food stamp benefits provided under Chapter 10 (commencing with Section 18900) of Part 6 when a recipient changes residence from one county to another within the state. The intercounty transfer process shall facilitate a recipient's move from one county to another without a break in benefits and without requiring a new application to be submitted to the new county of residence.

(b) (1) For food stamp recipients who are receiving CalWORKs benefits pursuant to Chapter 2 (commencing with Section 11200), the intercounty transfer process utilized for CalWORKs shall be used.

(2) For food stamp recipients who are receiving Medi-Cal benefits pursuant to Chapter 7 (commencing with Section 14000), but are not receiving CalWORKs benefits pursuant to Chapter 2

(commencing with Section 11200), the intercounty transfer process utilized for the Medi-Cal program shall be used.

(3) This subdivision shall be implemented no later than April 1, 2011.

(c) For food stamp recipients who are not receiving CalWORKs or Medi-Cal benefits as described in paragraphs (1) and (2) of subdivision (b), an intercounty transfer process shall be developed, in consultation with representatives of county human services departments and advocates for recipients. To the greatest extent possible, the process shall be simple, client friendly, ensure the client does not need to provide copies of documents that were previously provided to the prior county of residence, build on existing processes for the programs described in paragraphs (1) and (2) of subdivision (b), and minimize workload for county eligibility operations. The process developed pursuant to this subdivision shall be implemented no later than July 1, 2011.

(d) Upon the implementation of the intercounty transfer procedures set forth in this section, it shall be the responsibility of a recipient changing residence from one county to another within the state to notify his or her prior county of residence of his or her move. The prior county of residence shall notify the new county of the recipient's move as soon as the recipient's location in the new county is known. The new county of residence shall be responsible for determining the recipient's continued eligibility for payment of food stamp benefits. To the extent permitted by federal law, the new county of residence shall not be required to interview persons in the food stamp household to determine continued eligibility until the next scheduled recertification or other regularly scheduled interview.

(e) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through all-county letters, or similar instructions from the director no later than April 1, 2011, with respect to subdivision (b), and no later than July 1, 2011, with respect to subdivision (c).

(f) The department shall adopt regulations as otherwise necessary to implement this section no later than July 1, 2012. Emergency regulations adopted for implementation of this section may be adopted by the director in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with

Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of emergency regulations shall be deemed to be an emergency and necessary for immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor